

REMARKS

Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks:

- 1) In response to the drawing objection, a proposed sketch of a new figure is submitted herewith for approval by the Examiner.
- 2) The rejections under Sections 102 and 103 are respectfully traversed.

Applicant's amended claim 1 recites that the tab that is fixed to the free end of the blade of the measuring tape being claimed extends "in a plane perpendicular to the blade in at least two directions transverse to the lengthwise edge of the blade at the free end of the blade with no portion of the tab extending substantially beyond said plane that is perpendicular to blade".

This is not taught or suggested by any of the cited references. In particular, Ballou provides a tape attachment adapted to be connected to a tape ring, the tape attachment having a barbed end or prong 7 which protrudes outwardly from the end of the tape blade 3 and which is "arranged to be inserted into an object as clearly shown in Fig. 4." (Col.1, lines 52-55.) McCully discloses a tape (10) having a foldable hook (14) with a tab (18) which engages the edge of a surface being measured when the hook (14) is swung down to an erect or working position. Canfield discloses a measuring, marking, and cutting tool comprising a tape

measuring devise having a pencil/knife holding attachment which is attached to a clip (14) that has an outwardly extending aligning knob (92). Further, neither Drechsler nor Pinney teach or suggest the measuring tape recited in applicant's amended claim 1 set out above.

Amended claim 17 is drawn to a measuring tape that is provided with a removable tab that is attachable to the free end of the blade for temporarily and removably hooking the free end of the blade to a first point and recites that the tab when attached to the free end of the blade extends, as was recited in proposed amended claim 1, "in a plane perpendicular to the blade in at least two directions transverse to a lengthwise edge of the blade of the free end of the blade with no portion of the tab extending substantially beyond said plane that is perpendicular to the blade". Like amended claim 1, applicant's amended claim 17 is not taught or suggested by the cited references.

Applicant's amended claim 18 has been amended to add the claim element of first and second sets of indicia being imprinted on the blade of the measuring tape set out in amended claim 17. The newly added language to amended claim 18 has been removed from claim 17.

Applicant's amended claim 22 is drawn to a removable tab extension attachable to the free end of a blade of a measuring tape and recites that the tab extension includes "a hooking device portion extending in a plane perpendicular to the blade in at least two directions transverse to a lengthwise edge of the blade of the measuring tape at the free end of the blade when

the tab extension is attached to the tab of the measuring tape with no portion of the tab and the tab extension extending substantially beyond the plane that is perpendicular to the blade when the tab extension is attached to the tab of the measuring tape". As with amended claims 1 and 17, this claim language is not taught or suggested by the cited references.

3) Claims 1-28 stand rejected in view of the doctrine of obviousness-type double patenting in regard to claims 1-5 of US Patent 5,894,677. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Upon the indication of allowable subject matter, a terminal disclaimer is intended to be filed to overcome this rejection.

4) Claims 29-30 stand rejected in view of the doctrine of obviousness-type double patenting in regard to claims 1-5 of U.S. Patent 5,894,677, in view of Drechsler. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Upon the indication of allowable subject matter, a terminal disclaimer is intended to be filed to overcome this rejection. Furthermore, for the reasons set forth above, applicant notes the distinctions between the applicant's present invention and the disclosure in Drechsler.

CONCLUSION

For the above reasons, the applicant's present invention is distinguishable over, and is not anticipated by, nor obvious in view of, the references cited by the Examiner. Reconsideration and a withdrawal of all outstanding objections and rejections is hereby respectfully requested, and early allowance of the pending claims is earnestly solicited.

If necessary an appropriate extension of time to respond is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,  
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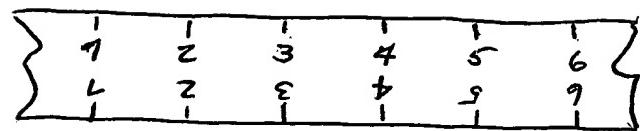


Fig. 16

(fragmentary bottom plan view)